

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of Michigan

United States of America

v.

Eliseo HERNANDEZ HERNANDEZ

Case: 2:22-mj-30353

Assigned To : Unassigned

Assign. Date : 8/22/2022

CMP: USA v ELISEO HERNANDEZ (MAW)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 15, 2022 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about July 15, 2022, in the Eastern District of Michigan, Southern Division, Eliseo HERNANDEZ HERNANDEZ, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about December 30, 2019, at San Ysidro, California and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.

  
Complainant's signature

Monica Alaez Deportation Officer  
Printed name and title

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: August 22, 2022

  
Judge's signature

City and state: Detroit, MI

Elizabeth Stafford, United States Magistrate Judge  
Printed name and title


AFFIDAVIT

I, Monica Alaez, declare the following under penalty of perjury:

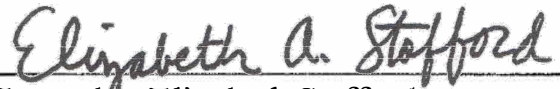
1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since March 2009. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed the immigration records and system automated data relating to Eliseo HERNANDEZ-HERNANDEZ, which reveal the following:
2. Eliseo HERNANDEZ-HERNANDEZ is a thirty-one-year-old citizen and a native of Mexico who last entered the United States without inspection or admission by the U.S. Department of Homeland Security. This affidavit is submitted for the limited purpose of establish probable cause of Unlawful Reentry to the United States, a violation of 8 U.S.C. § 1326(a).
3. On or about November 7, 2018, the U.S. Border Patrol apprehended HERNANDEZ-HERNANDEZ at or near Douglas, Arizona, and served him with a Notice and Order of Expedited Removal. On or about November 8, 2018, the U.S. District Court in Tucson, Arizona, convicted HERNANDEZ-HERNANDEZ of an offense under 8 U.S.C. § 1325, and HERNANDEZ-HERNANDEZ was removed to Mexico at the Nogales, Arizona port of entry that same day.
4. On or about November 3, 2019, the U.S. Border Patrol apprehended HERNANDEZ-HERNANDEZ at or near Chula Vista, California. On or about November 5, 2019, U.S. Border Patrol served HERNANDEZ HENANDEZ with a Notice of Intent / Decision to Reinstate a prior order of removal and removed him to Mexico at the San Ysidro, California port of entry.

5. On November or about 8, 2019, HERNANDEZ HENANDEZ applied for admission into the United States from Mexico at the Otay Mesa, California port of entry. HERNANDEZ-HERNANDEZ claimed to be a United States citizen and presented a false U.S. passport card under the name David CERVANTES. United States Customs and Border Protection served HERNANDEZ-HERNANDEZ with a Notice and Order of Expedited Removal and removed him to Mexico that same day.
6. On or about November 11, 2019, the U.S. Border Patrol apprehended HERNANDEZ-HERNANDEZ at or near El Centro, California. On or about November 13, 2019, U.S. Border Patrol served HERNANDEZ HENANDEZ with a Notice of Intent / Decision to Reinstate a prior order of removal and removed him to Mexico at the Calexico, California port of entry.
7. On November or about 16, 2019, the U.S. Border Patrol apprehended HERNANDEZ-HERNANDEZ at or near El Centro, California. On or about November 17, 2019, the U.S. Border Patrol served him with a Notice of Intent / Decision to Reinstate a prior order of removal. On or about November 18, 2019, HERNANDEZ-HERNANDEZ was removed to Mexico at the Calexico, California port of entry.
8. On or about December 29, 2019, the U.S. Border Patrol apprehended HERNANDEZ-HERNANDEZ at or near Brownsville, California and served him with a Notice of Intent / Decision to Reinstate a prior order of removal. On or about December 20, 2019, HERNANDEZ HENANDEZ was removed to Mexico at the San Ysidro, California port of entry.
9. On or about July 13, 2022, a Genesee County Sheriff's Deputy responded to reports of an intoxicated male—later determined to be HERNANDEZ-HERNANDEZ—throwing money off his apartment balcony and attempting to lure young women into his home. HERNANDEZ-HERNANDEZ, who registered a .236 BAC on a preliminary breath test, was ultimately arrested for Disorderly Conduct.

10. On or about July 15, 2022, ICE placed a detainer on HERNANDEZ-HERNANDEZ at Genesee County Jail, and on or about August 16, 2022, ICE ERO Detroit transported HERNANDEZ-HERNANDEZ from the Genesee County Jail to the Detroit ICE field office and served him with a Notice of Intent / Decision to Reinstate a prior order of removal. ICE searched his fingerprints in government electronic systems resulting in a positive match for Eliseo HERNANDEZ-HERNANDEZ, DOB XX/XX/1990, AXXX XXX 056, a previously removed alien.
11. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
12. ICE officers reviewed immigration file records and Department of Homeland Security electronic records, indicating that Eliseo HERNANDEZ-HERNANDEZ, AXXX XXX 056, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reply for admission to the United States.
13. Based on the foregoing, I believe there is probable cause to conclude that Eliseo HERNANDEZ-HERNANDEZ, is an alien found in the United States after deportation or removal without the express permission from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, all in violation of Title 8, United States Code, Section 1326(a).

  
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Monica Alaez, Deportation Officer  
Immigration and Customs Enforcement

Sworn to before me and signed in my  
presence and/or by reliable electronic means.

  
\_\_\_\_\_  
Honorable Elizabeth Stafford  
United States Magistrate Judge

Dated: August 22, 2022